



February 9, 2005

HOUSE BILL No. 1270

DIGEST OF HB 1270 (Updated February 2, 2005 5:37 pm - DI 69)

Citations Affected: IC 35-43; noncode.

Synopsis: Motor vehicle offenses. Creates criminal offenses for the unlawful: (1) entry into; or (2) possession, operation, or disposition of; a motor vehicle. Provides: (1) enhanced penalties; and (2) a defense; in certain circumstances.

Effective: July 1, 2005.

Pond, GiaQuinta, Moses

January 11, 2005, read first time and referred to Committee on Courts and Criminal Code.
February 8, 2005, amended, reported — Do Pass.

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HB 1270—LS 6823/DI 106+



February 9, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1270

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-43-4-2.7 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 2.7. (a) This section does not apply to the following:**

4 (1) A public safety officer (as defined in IC 35-47-4.5-3) or
5 state police motor carrier inspector acting within the scope of
6 the officer's or inspector's duties.

7 (2) A motor vehicle that must be moved because the motor
8 vehicle is abandoned, inoperable, or improperly parked.

9 (3) An employee or agent of an entity that possesses a valid
10 lien on a motor vehicle who is expressly authorized by the
11 lienholder to repossess the motor vehicle based upon the
12 failure of the owner or lessee of the motor vehicle to abide by
13 the terms and conditions of the loan or lease agreement.

14 (b) As used in this section, "authorized operator" means a
15 person who is authorized to operate a motor vehicle by an owner
16 or a lessee of the motor vehicle.

17 (c) As used in this section, "motor vehicle" has the meaning set



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1 forth in IC 9-13-2-105(a).

2 (d) A person who:

3 (1) knowingly or intentionally enters a motor vehicle without
4 having permission to enter the motor vehicle from an owner,
5 a lessee, or an authorized operator of the motor vehicle; and

6 (2) does not have a contractual interest in the motor vehicle;
7 commits unauthorized entry of a motor vehicle, a Class B
8 misdemeanor.

9 (e) The offense under subsection (d) is:

10 (1) a Class A misdemeanor if the motor vehicle has visible
11 steering column damage or ignition switch alteration as a
12 result of an act described in subsection (d)(1); or

13 (2) a Class D felony if a person occupies the motor vehicle
14 while the motor vehicle is used to further the commission of
15 a crime.

16 (f) It is a defense to a prosecution under this section that the
17 accused person reasonably believed that the person's entry into the
18 vehicle was necessary to prevent bodily injury or property damage.

19 SECTION 2. IC 35-43-4-2.9 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2005]: Sec. 2.9. (a) This section does not apply to the following:

22 (1) A public safety officer (as defined in IC 35-47-4.5-3) or
23 state police motor carrier inspector acting within the scope of
24 the officer's or inspector's duties.

25 (2) A motor vehicle that must be moved because the motor
26 vehicle is abandoned, inoperable, or improperly parked.

27 (3) An employee or agent of an entity that possesses a valid
28 lien on a motor vehicle who is expressly authorized by the
29 lienholder to repossess the motor vehicle based upon the
30 failure of the owner or lessee of the motor vehicle to abide by
31 the terms and conditions of the loan or lease agreement.

32 (b) As used in this section, "motor vehicle" has the meaning set
33 forth in IC 9-13-2-105(a).

34 (c) A person who:

35 (1) knowingly or intentionally possesses, operates, sells,
36 trades, or otherwise controls a motor vehicle without having
37 the permission of an owner or a lessee of the motor vehicle to
38 do so; and

39 (2) does not have a contractual interest in the motor vehicle;
40 commits unauthorized control of a motor vehicle, a Class D felony.

41 (d) The offense under subsection (c) is a Class C felony if a
42 person possesses, operates, sells, trades, or otherwise controls the

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1 motor vehicle while the motor vehicle is used to further the
2 commission of a crime.

3 (e) It is a defense to a prosecution under this section that the
4 accused person reasonably believed the person's conduct was
5 necessary to prevent bodily injury or property damage.

6 SECTION 3. [EFFECTIVE JULY 1, 2005] IC 35-43-4-2.7 and
7 IC 35-43-4-2.9, both as added by this act, apply to offenses
8 committed after June 30, 2005.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete ";" and insert "**as a result of an act described in subsection (d)(1);**".

and when so amended that said bill do pass.

(Reference is to HB 1270 as introduced.)

ULMER, Chair

Committee Vote: yeas 7, nays 3.

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